

\*\*E-filed 8/31/06\*\*

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Attorneys for Third-Party Defendant  
 SQUARE D COMPANY, a Delaware  
 corporation

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

THE UNITED STATES OF AMERICA, for  
 the use and benefit of SUMMERS GROUP,  
 INC. a Delaware corporation doing business  
 as REXEL PACIFIC,

Use-Plaintiff,

v.

MID VALLEY ELECTRIC &  
 COMMUNICATIONS, INC., a corporation  
 dba CLYDE G. STEAGALL, INC.;  
 FIREMAN'S FUND INSURANCE  
 COMPANY, a California corporation,

Defendants.

AND RELATED COUNTERCLAIM

SUMMERS GROUP, INC. a Delaware  
 corporation doing business as REXEL  
 PACIFIC,

Third-Party Plaintiff,

v.

SQUARE D COMPANY, a corporation,

Third-Party Defendant.

Case No.: C04 05458 JF/HRL

STIPULATION TO MODIFY  
 SCHEDULING ORDER TO  
 CONTINUE PRE-TRIAL  
 CONFERENCE FROM SEPTEMBER  
 1, 2006 TO SEPTEMBER 22, 2006;  
~~[PROPOSED]~~ ORDER THEREON


TRIAL DATE: OCTOBER 2, 2006

1 In accordance with Rule 6-2 of the Local Rules of the United States District  
 2 Court for the Northern District of California and this Court's initial Order following  
 3 filing of Complaint dated December 29, 2004, THE PARTIES, BY AND THROUGH  
 4 COUNSEL OF RECORD, HEREBY STIPULATE TO THE FOLLOWING:

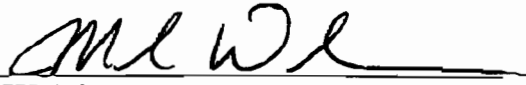
5 Pursuant to this Court's Order of September 9, 2005, the Pre-Trial Conference  
 6 was scheduled for September 1, 2006. No previous continuances have been requested  
 7 or granted.

8 At present, Third-Party Defendant SQUARE D COMPANY, a Delaware  
 9 corporation ("SQUARE D" or "Third Party Defendant") and Defendant and Counter-  
 10 Claimant, MID VALLEY ELECTRIC & COMMUNICATIONS, INC., a corporation  
 11 dba CLYDE G. STEAGALL, INC. ("STEAGALL") have filed a joint *ex parte*  
 12 Motion to modify the Scheduling Order to continue the Trial date as well as all cut off  
 13 and other hearing dates. As Judge Jeremy Fogel is not scheduled to return from  
 14 vacation until August 31, 2006 and may not have an opportunity to review the Motion  
 15 prior to the date which this matter is set for a Pre-Trial Conference (September 1,  
 16 2006), the Parties hereto hereby stipulation and agree that the Pre-Trial Conference be  
 17 continued for a period of three weeks to September 22, 2006 at 11:00 a.m. If the  
 18 requested continuance is granted, the Court will have the opportunity to review and  
 19 rule on the Motion and the parties may avoid the cost of appearing in Court and  
 20 preparing the pleadings required to be filed at the Pre-Trial Conference in the event  
 21 that it becomes unnecessary.

22  
 23 DATED: August 25, 2006 GIBBS, GIDEN, LOCHER & TURNER LLP  
 24 William D. Locher, Esq.  
 25 Michael I. Wayne, Esq.

26 By:   
 27 Michael I. Wayne, Esq.  
 28 Attorneys for Third-Party Defendant,  
 SQUARE D COMPANY, a Delaware corporation

GIBBS, GIDEN, LOCHER & TURNER LLP

1 DATED: August 25, 2006 WALSH & WALSH, P.C.  
2  
3 By:   
4 Mark Walsh, Esq.  
5 Attorneys for Use-Plaintiff and Third-Party Plaintiff  
6 SUMMERS GROUP, INC. dba REXEL PACIFIC  
7

8 DATED: August 25, 2006 THURBON & MCHANNEY, LP  
9  
10 By: \_\_\_\_\_  
11 Erin Holbrook, Esq.  
12 Attorneys for Defendants  
13 MID VALLEY ELECTRIC & COMMUNICATIONS,  
14 INC. dba CLYDE G. STEAGALL, INC. and  
15 FIREMAN'S FUND INSURANCE COMPANY  
16

17 **ORDER**

18 THE COURT, finding good cause, ORDERS that the scheduling order be  
19 modified to provide that the Pre-Trial Conference shall be continued to 11:00 a.m. on  
20 September 22, 2006.

21 DATED: 8/31/06  
22   
23 THE HONORABLE JEREMY FOGEL  
24 UNITED STATES DISTRICT COURT JUDGE  
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GIBBS, GIDEN, LOCHER & TURNER LLP

1 DATED: August 25, 2006 WALSH & ASSOCIATES

2 By: \_\_\_\_\_

3 Mark Walsh, Esq.

4 Attorneys for Use-Plaintiff and Third-Party Plaintiff  
5 SUMMERS GROUP, INC. dba REXEL PACIFIC

6  
7  
8 DATED: August 25, 2006 THURBON & MCHANNEY, LP

9  
10 By: Erin Holbrook

11 Erin Holbrook, Esq.

12 Attorneys for Defendants

13 MID VALLEY ELECTRIC & COMMUNICATIONS,  
14 INC. dba CLYDE G. STEAGALL, INC. and  
15 FIREMAN'S FUND INSURANCE COMPANY

16 **ORDER**

17 THE COURT, finding good cause, ORDERS that the scheduling order be  
18 modified to provide that the Pre-Trial Conference shall be continued to 11:00 a.m. on  
19 September 22, 2006.

20  
21 DATED: \_\_\_\_\_

22 THE HONORABLE JEREMY FOGEL

23 UNITED STATES DISTRICT COURT JUDGE  
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